

REMARKS

An Office Action was mailed on May 23, 2003. Claims 1-19 are pending. Claims 8-19 have been canceled as drawn to non-elected inventions. Claim 7 has also been canceled. Claims 1-6 are herewith amended and claims 20 and 21 are added.

DRAWINGS

The Examiner objected to the drawings because they fail to show the paper wrapper being guided onto the roll in an oblique manner claimed on claim 2, the oblique guidance of the wrapper claimed on claim 4 and a wrapper aligned in an oblique position in regard to the wrapper dispensing system claimed on claim 5. Responsive thereto, Applicant has amended the claims to set forth that the wrapping occurs in a slightly helical manner as clearly shown in the drawings and described in the specification. With respect to claims 2 and 4, the Examiner is respectfully directed to marked up versions of FIGS. 7, 7A and 10 provided in attached Exhibit A, wherein the obliqueness of the wrapping is shown on the drawings relative to the vertical (or the transverse axis of the roll) with a traditional angle symbol.

With respect to claim 5, the wrapping paper aligned in a slightly oblique position refers to the roll rotation station and not the wrapping dispensing station, which terminology was erroneously included in claim 5. The obliqueness in the drawings, which is illustrated in attached Exhibit A on marked-up versions of FIGS. 12, 13 and 15, is generally too small to show clearly in such drawings because the obliqueness is normally very small, i.e., only a fraction of one degree. Thus, the helical winding is shown more clearly in some of the other figures such as FIGS. 7, 7A and 10, which focuses on the paper wrapped around a roll in a slight helical manner.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Responsive thereto, Applicant has canceled claim 7 and overhauled claims 1-6 in accordance with U.S. practice. The claims now define a wrapper dispensing system comprising a wrapper dispensing station and a wrapper dispensing means, shown in the drawings for

09/933,892
11172608.01

- 4 -

example as reference numbers 8 and 9, a roll of web material (such as paper) shown in the drawings for example as reference number 5, and a roll rotation station shown in the drawings for example as reference number 6. Applicant has also distinguished between what is being wrapped, i.e., a roll of web material, from the actual wrapping wound thereabout, i.e., a wrapping dispensed from the wrapper dispensing station. With respect to the type of material forming the roll and wrapping, Applicant has added new claim 20 defining that the roll and the wrapping are made of paper. However, it should be noted that the use of "web material" in claim 1 should not be limited to paper or plastic or the like, since paper and/or plastic satisfy the commonly understood definition of "web material."

Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 112, second paragraph.

PRIOR ART REJECTIONS UNDER 35 U.S.C. § 102 and §103

Claims 1-5 are rejected under 35 U.S.C. §102(b) as being anticipated by Lancaster (U.S. Patent 4,553,374), while claims 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lancaster '374 in view of Pienta et al. (U.S. Patent 6,347,498). Responsive thereto, Applicant has amended the claims to clearly define over the cited art of record. Specifically, the claims now recite a roll of material that is acted upon by a stationary wrapping system, wherein the wrapping occurs during the rotation and axial movement of the roll relative to the wrapping dispensed from the wrapping system. More particularly, the claims now require (with support for each element shown in *italics*):

A method for packaging rolls of web material such as rolls of paper, the method comprising the steps of:

providing a wrapper dispensing system for dispensing wrapping onto a roll of web material, said wrapper dispensing system comprising a wrapper dispensing station (8) and a wrapper dispensing means (9),

supporting a roll of web material on a roll rotation station (*supporting (5) on (6)*),

rotating said roll rotation station with said roll of web material supported thereon, said wrapper dispensing system remaining stationary relative to said rotating supported roll, (FIG. 14)

dispensing wrapping onto the rotating supported roll from said wrapper dispensing station via said dispensing means so that the wrapping is wound so as to form on said rotating supported roll either a centered wrapping or a stagewise overlapping wrapping, (FIGS. 12-14) and

moving the roll rotation station laterally (7) in the axial direction of the rotating supported roll relative to the wrapper dispensing system during the dispensing step. (FIGS. 11-13; page 10)

Applicant respectfully disagrees with the Examiner that the claims are taught by the Lancaster '374 reference. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the Lancaster reference fails to teach the claimed invention as required by the MPEP. Specifically, the Lancaster reference teaches a wrapping station that rotates about a roll to be wrapped, and not a stationary wrapper dispensing system as required by the claims. Furthermore, the Lancaster reference teaches a stationary roll relative to the rotating wrapper dispensing system, not a rotating roll that is axially movable during wrapping and relative to a stationary wrapping system as required by the claims. In addition, the Lancaster reference teaches a continuous helical type of wrapping over the entire roll, not a stagewise (claim 1) wrapping in a slightly helical manner (claims 2-5). The stagewise wrapping and a slight helical

manner in the present invention (claim 21 in particular) are demonstrated, for example, in almost all the figures. With respect to the "stagewise" overlapping wrapping in a "slight helical manner," which runs contrary to the "continuous" wrapping as shown in Lancaster, wrapper coverage over the whole roll width is made with repeated wrapping stages (see FIGS. 1-10 and 12-15 for example), in between the wrapper is cut and the roll is axially moved relative to the wrapper dispensing system.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(b).

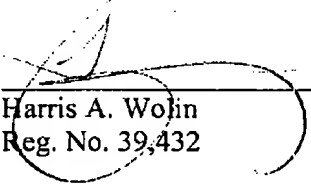
It is also respectfully requested that the Examiner withdraw the rejection to claim 6 under 35 U.S.C. § 103(a) through dependency on what Applicant believes to be an allowable independent claim 1. In addition, the Pienta et al. reference uses a different kind of material in a different manner. In Pienta et al., there is one first layer of plastic material, one second layer of cushioning material and again one second layer of plastic material (Col 1, lines 50-59). The entire wrapping is formed in three layers. However, the invention of claim 6 only includes two layers and the wrapping materials are also different, i.e., paper and plastic. Paper wrapping gives the required protection to the roll under mechanical handling (page 5, lines 5-6 of the Applicant's specification). Wrapping paper is wound around the roll and the overhang edges of wrapper are crimped onto the end side of the roll. The crimped wrapper overhang also forms an edge protection on the end side of the roll, which is normally not covered by end cover. This is not achieved with the disclosure of Pienta et al. The plastic wrap gives the roll the required protection from stresses imposed by varying environmental conditions such as moisture, dirt and the like (page 5, lines 27-29 of the Applicant's specification). This keeps the end cover on place. However, the wrapping method of the present invention of claim 6, comprising a stagewise overlap paper wrapping combined with a helical plastic wrapping, in combination with the other elements of claim 1, differs considerably from the cited art, and in particular the Pienta et al. reference. Thus, Applicant respectfully submits that claim 6 is clearly patentable over the cited art of record.

For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1-6, 20 and 21, consisting of independent claim 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,


Harris A. Wojin
Reg. No. 39,432

CUSTOMER NUMBER 026304
PHONE: (212) 940-8708
FAX: (212) 894-5708 (direct)
DOCKET NO.: HEIN 18.938 (100720-00050)

09/933,892
11172608.01

- 8 -

EXHIBIT A

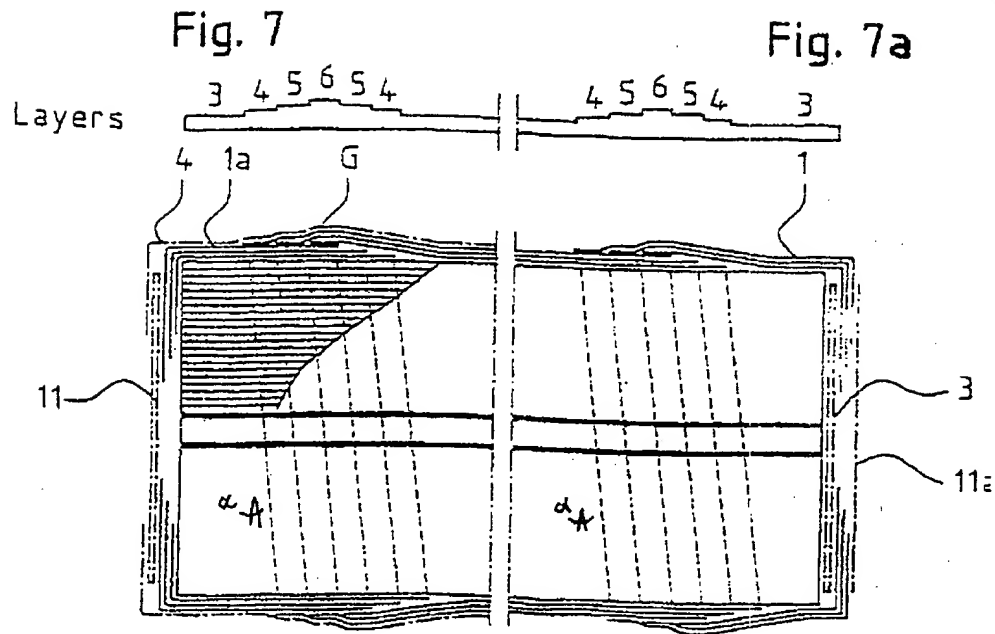
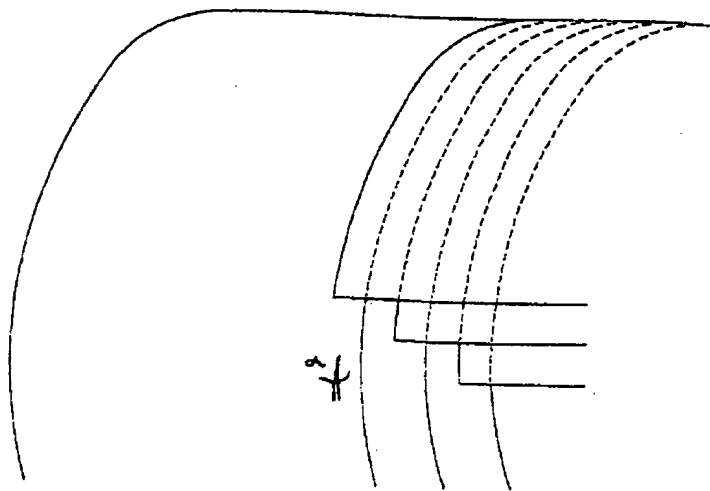


Fig. 10



09/933,892
11172608.01

Fig. 12

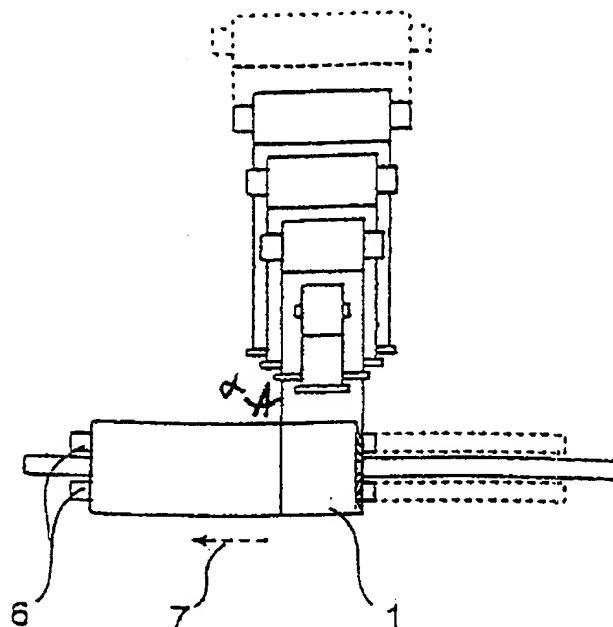
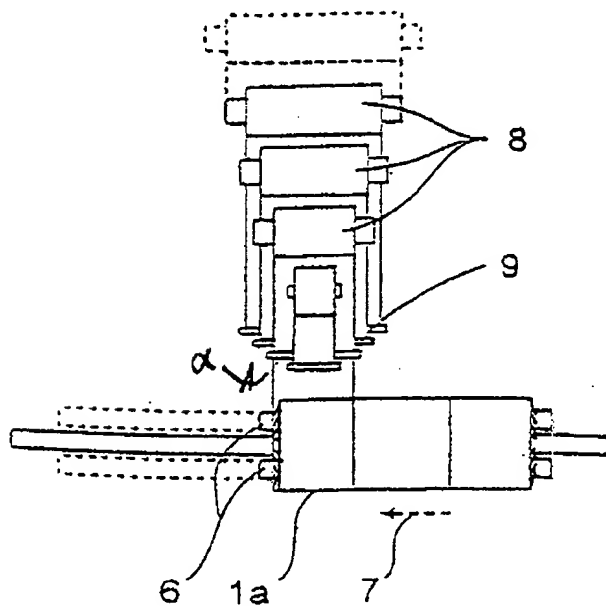
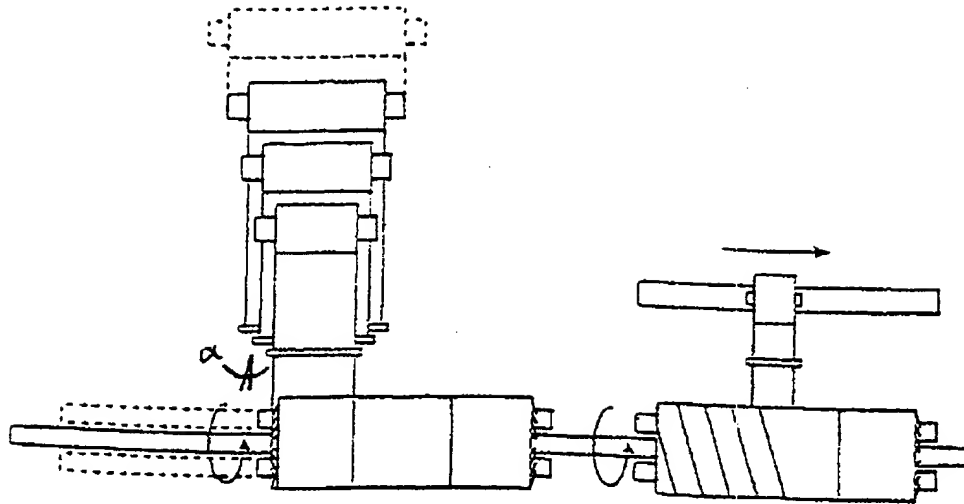


Fig. 13



09/933,892
11172608.01

Fig. 15

09/933,892
11172608.01

- 11 -